

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP SEQUENCE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY:

*Camela W. Giff*

DATE:

*October 15, 2003*

**PATENT  
MAIL-STOP SEQUENCE**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Patent Application of Mitchell A. Lazar	: Group Art Unit: 1632 : : :
Appln. No.:	09/986,234	: Examiner: Anne-Marie Falk, Ph.D. : :
Filed:	October 22, 2001	: Attorney Docket : :
For:	COMPOSITIONS, METHODS AND AND KITS RELATING TO RESISTIN	: No.: 053893-5032-01 :

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

In response to the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures", enclosed herewith are the following.

- (X) Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821 through 1.825;
- (X) Substitute Paper Copy (5 pages) of the Sequence Listing;
- (X) Substitute computer readable form (CRF) copy of the Sequence Listing;
- ( ) Copy of Raw Sequence Listing Error Report;

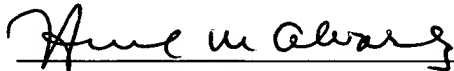
- (X) Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- (X) Amendment responding to Office Communication dated October 3, 2003 (Paper No. 0903).

Respectfully submitted,

**MITCHELL A. LAZAR**

October 15, 2003  
(Date)

By:



**RAQUEL M. ALVAREZ, PH.D., J.D.**

Registration No. 45,807

**MORGAN, LEWIS & BOCKIUS, L.L.P.**

1701 Market Street

Philadelphia, PA 19103-2921

Telephone: 215-963-5000

**Direct Dial: 215-963-5403**

Facsimile: 215-963-5001

E-Mail: [ralvarez@morganlewis.com](mailto:ralvarez@morganlewis.com)

Attorney for Applicant

RMA/QDN 

Enclosures: Substitute CRF sequence listing  
Substitute Paper copy of sequence  
Copy of Notice to Comply  
Statement to Support Filing and Submission  
Amendment

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The specification and/or figures must be amended to identify all disclosed sequences by their sequence identifier (i.e., SEQ ID NO), in accordance with 37 CFR 1.821(d). Since the specification and/or figures disclose sequences that are not identified by their sequence identifiers, it is unclear if all disclosed sequences are included in the sequence listing. A substitute CRF and paper copy of the Sequence Listing are required **only** if the unidentified sequences are not already included in the Sequence Listing.

**Applicant Must Provide:**

- ☒ An **substitute** computer readable form (CRF) copy of the "Sequence Listing".
- ☒ A **substitute** paper copy of the "Sequence Listing", as well as an **amendment** directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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